

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-7 and 15-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1 and 15 recite “A disc cleaner...” however neither claim actually includes a structural limitation or element that is capable of cleaning. Claims 1 and 15 could read upon any computer, game, or music disc player that has a housing, slot, and drive assembly.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor et al., US 3,005,223.

Taylor et al. disclose the claimed invention including a disc cleaner that comprises a housing (12) and a slot (26), a disc (44) at least partially insertable into the slot and supportable by the housing in a vertical orientation (Figures), and a drive

Art Unit: 3723

assembly (42) at least partially positioned within the housing and engageable with the disc to rotate the disc in the vertical orientation (Figures 2-3). Regarding claim 2, the housing is configured to expose a portion of the disc, including a center hole of the disc, when the disc is supported by the housing (see Figures), the disc is capable of being handled for insertion into and removal from the slot by the center hole (Figures).

Regarding claims 4-7, there is a switch (38) for actuating the drive assembly when the disc is at least partially inserted into the slot (Column 2 Lines 56-62), the switch is engageable by the disc when the disc is at least partially inserted into the slot (Column 2 Lines 56-62), the switch is coupled to the drive assembly and is activated when the disc engages the drive assembly (column 2 Lines 56-62), and wherein the switch is a sensor (40) and actuates the drive assembly when the presence of the disc is sensed within the slot (Column 2 Lines 56-62).

3. Claims 1-2, 4, 15-17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Doyel, US 4,101,999.

Doyel discloses the claimed invention including a disc cleaner that comprises a housing (12) and a slot (14), a disc (10) at least partially insertable into the slot and supportable by the housing in a vertical orientation (see Figures), and a drive assembly (18, 44, 46, 38) at least partially positioned within the housing and engageable with the disc to rotate the disc in the vertical orientation (Figures 2 and 5). The housing is configured to expose a portion of the disc including a center hole of the disc when the disc is supported by the housing (see Figure 1), the disc capable of being handled for insertion into and removal from the slot by the center hole (see Figures) (claims 1-2,

Art Unit: 3723

15). Regarding claims 4, 15, and 17, there is a switch (88). Regarding claim 15 there is also a drive assembly disposed within the housing that frictionally rotates the disc by its perimeter (see Figure 5). Regarding claim 19, there is a wiper assembly (22, 24).

4. Claims 1-4, 8-11, 15-16, 19, and 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Scharpf, US 4,202,071.

Scharpf discloses the claimed invention including a disc cleaner that comprises a housing (1) and a slot (53), a disc (5) at least partially insertable into the slot and supportable by the housing in a vertical orientation (see Figures), and a drive assembly (Column 2 Lines 3-18) at least partially positioned within the housing and engageable with the disc to rotate the disc in the vertical orientation (Column 2 Lines 3-18) (claims 1, 8-9, 15-16). Regarding claims 2 and 10, the housing is configured to expose a portion of the disc including a center hole of the disc when the disc is supported by the housing (see Figure 1), the disc capable of being handled for insertion into and removed from the slot by the center hole (see Figures). Regarding claim 3, the drive assembly includes a plurality of rollers engageable with the disc (6, 7) and a motor (14) coupled to at least one of the rollers to drive the roller and at least one driven roller to rotate the disc (see Figures; Column 2 Lines 3-18). Regarding claims 4 and 15, there is a switch (61). Further regarding claims 8 and 11, the cleaner includes a drive assembly disposed within the housing that frictionally rotates the disc by its perimeter (Figure 2) and means for retaining and providing a cleaning agent (Column 2 Lines 19-31) wherein the cleaning agent is applicable to the data reading surface of the entire disc (Column 2 Lines 19-31, the disc is a phonograph record). Regarding claim 19, there is a wiper

Art Unit: 3723

assembly (26). Regarding claims 21-22, each roller defines a channel for receiving the perimeter of the disc (Figure 2; Column 2 Lines 3-10) and wherein one of the rollers is coupled to the switch to actuate the drive assembly (Column 3 Lines 41-43), the user being capable to operate the switch when the disc engages one of the rollers.

5. Claims 1, 4-9, 12-16, and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al., US 4,604,672.

Davis et al. disclose the claimed invention including a disc cleaner that comprises a housing (70) and a slot (30), a disc (22) at least partially insertable into the slot and supportable by the housing in a vertical orientation (see Figures), and a drive assembly (Column 5 Lines 5-21) at least partially positioned within the housing and engageable with the disc to rotate the disc in the vertical orientation (Column 5 Lines 5-21)(claims 1, 8-9, 15-16). Regarding claims 4-7, there is a switch (42) that is engageable by the disc when the disc is at least partially inserted into the slot (Column 5 Lines 5-21), The switch is coupled to the drive assembly (Column 5 Lines 9-14), and the switch acts as a sensor in that it senses a presence of a disk. Further regarding claim 8, the cleaner includes a means for retaining and providing a cleaning agent (50) wherein the cleaning agent is applicable to the data reading surface of the entire disc both exposed or not (Column 5 Lines 39-45, the disc being a floppy disk). Regarding claims 12-14, the cleaning agent container is connected to the housing and has an agent therein (Figure 1; Column 5 Lines 39-45) and is capable of being removably connected to the housing (see Figures) and also is capable of being permanently connected to the housing as long as a user does not remove it (Figure 1). Regarding claims 19-20, there is a wiper

Art Unit: 3723

assembly (44) that is releasably connected to the housing by springs (Column 5 Lines 32-36) and includes a cover (148), a rod connected to the cover (46), a wiper arm (140), a wiper pad connected to the wiper arm and engageable with the disk (44; see Figures), and a spring supported by the rod and operable to bias the wiper pad toward and into contact with the disc (Column 5 Lines 32-36).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scharpf, US 4,202,071 in view of Davis et al., US 4,604,672.

Scharpf and Davis et al. disclose all elements previously mentioned above. Scharpf discloses a cleaning agent, however does not provide a cleaning agent container but does include a fluid inlet (29) for introducing the cleaning agent.

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify the fluid inlet of Scharpf to originate from a container connected to the housing, as Davis et al. teach, in order to store the cleaning agent at the same location as the rest of the cleaning device.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Laura C Guidotti/
Primary Examiner, Art Unit 3723

lcg